

Application Serial No. 09/937,404
Request for Reconsideration dated June 16, 2004
Reply to Office action of April 9, 2004

REMARKS

Claims 1 through 20 are pending in this application. Reconsideration is requested based on the following remarks.

Claim Rejections - 35 U.S.C. § 103:

Claims 1 through 20 were rejected under 35 U.S.C. § 103 as being unpatentable over Murphy, US 6,236,326 in view of Shiraki, US 5,884,194. The rejection is traversed. Withdrawal of the rejection is earnestly solicited.

Claim 1 recites,

“a second voice signal other than the first voice signal.”

Neither Murphy nor Shiraki teach, disclose, or suggest receiving a second voice signal other than the first voice signal. In Murphy, rather, the only received signals mentioned are telephone calls directed to the number at column 4, lines 50 and 51, rather than a second voice signal *other* than the first voice signal, as recited in claim 1. Neither the signal from battery monitor 25 nor the previously recorded voice notification message data described at column 4, lines 9 through 13 of Murphy are *second* voice signals, contrary to the assertion in the Office action. Similarly, in Shiraki, the only received signals mentioned are reception signals from the far-end caller, as described at column 4, line 51. Shiraki, in fact, is focused almost exclusively on near-end caller voice detection, as described at column 4, line 35, and thus has no use for a second voice signal other than the first voice signal, as recited in claim 1. Since neither Murphy nor Shiraki teach, disclose, or suggest a second voice signal other than the first voice signal, their combination cannot either.

Claim 1 recites further,

“a determination signal for determining whether said first voice signal is present or not.”

Neither Murphy nor Shiraki teach, disclose, or suggest receiving a *determination* signal for determining whether a first voice signal is present or not. In Murphy, rather, the only received signals mentioned are telephone calls directed to the number at column 4, lines 50 and 51, rather than a determination signal for determining whether a first voice signal is present or not, as recited in claim 1. Similarly, in Shiraki, the only received signals mentioned are reception signals from the far-end caller, as described at column 4, line 51. Shiraki, in fact, is focused almost exclusively on near-end caller voice detection, as described at column 4, line

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35, and thus has no use for a determination signal for determining whether a first voice signal is present or not, as recited in claim 1. Since neither Murphy nor Shiraki teach, disclose, or suggest receiving a determination signal for determining whether a first voice signal is present or not, their combination cannot either.

Claim 1 recites further,

“a voice signal sensing circuit connected to said receiving circuit sensing whether said first voice signal is present or not on the basis of said determination signal.”

Neither Murphy nor Shiraki teach, disclose, or suggest a voice signal sensing circuit connected to a receiving circuit sensing whether a first voice signal is present or not on the basis of a determination signal. Since neither Murphy nor Shiraki teach, disclose, or suggest receiving a determination signal for determining whether a first voice signal is present or not, as discussed above, there is no determination signal available with which to sense whether the first voice signal is present or not. In Murphy, rather, telephone calls directed to the number are either received or forwarded based on an energy level of the battery pack, as described at column 4, lines 52 and 53, so there is no need for a voice signal sensing circuit connected to a receiving circuit sensing whether a first voice signal is present or not on the basis of a determination signal, as recited in claim 1. Similarly, in Shiraki, the only received signals mentioned are reception signals from the far-end caller, as described at column 4, line 51. No determination signal is being received with the first voice signal, and no second voice signal is being received at all.

The presence of voice indicated by voice detection flag FLG, to which Shiraki refers at column, 9, lines 21 and 22, is actually the voice of the *near*-end caller, as described at column 9, lines 17 and 18, rather than a received first voice signal, contrary to the assertion in the Office action. Shiraki, in fact, simply converts the voice of the far-end caller into audible sound waves, as described at column 4, lines 45 and 46, and thus has no use for a voice signal sensing circuit connected to a receiving circuit sensing whether a first voice signal is present or not on the basis of a determination signal, as recited in claim 1. The voice detection flag, in particular, is set based on whether the *near*-end caller, that is the person actually *holding* the cell phone, is talking or not, as described at column 4, lines 53 through 55. Since neither Murphy nor Shiraki teach, disclose, or suggest a voice signal sensing circuit connected to a receiving circuit

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sensing whether a first voice signal is present or not on the basis of a determination signal, their combination cannot either.

Claim 1 recites further,

“converting said voice signals into sound for output on the basis of a result of sensing by said voice signal sensing circuit and a result of sensing by said remaining amount sensing circuit.”

Neither Murphy nor Shiraki teach, disclose, or suggest converting voice signals into sound for output on the basis of a result of sensing by a voice signal sensing circuit and a result of sensing by a remaining amount sensing circuit. In Murphy, rather, the only decision made based on the charge left in the battery is whether to forward the call or not, as described at column 2, lines 42 and 43. The voice signal is always converted to output of some nature until the battery dies, contrary to the assertion in the Office action. Similarly, in Shiraki, the only mention made of converting voice signals into sound for output is with respect to outputting reception signals into audible sound waves at column 4, lines 44 through 46. No mention is made of performing that particular conversion on the basis of a result of sensing by a voice signal sensing circuit and a result of sensing by a remaining amount sensing circuit, as recited in claim 1. Shiraki, in fact, is focused almost exclusively on near-end caller voice detection, as described at column 4, line 35, and thus has no use for converting voice signals into sound for output on the basis of a result of sensing by a voice signal sensing circuit and a result of sensing by a remaining amount sensing circuit, as recited in claim 1. Since neither Murphy nor Shiraki teach, disclose, or suggest converting voice signals into sound for output on the basis of a result of sensing by a voice signal sensing circuit and a result of sensing by a remaining amount sensing circuit, their combination cannot either. Claim 1 is submitted to be allowable. Withdrawal of the rejection of claim 1 is earnestly solicited.

Claims 2 through 7 depend from claim 1 and add additional distinguishing elements. In particular, claim 2 recites,

“said second voice signal is a signal that is transmitted at a predetermined time interval when said first voice signal is absent.”

Neither Murphy nor Shiraki teach, disclose, or suggest a second voice signal is a signal that is transmitted at a predetermined time interval when a first voice signal is absent. The

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signals to which Murphy refers at column 3, lines 48-52 and column 4, lines 9-15 are not second voice signals, contrary to the assertion in the Office action. They are, rather, battery monitor signals sent to voice data control circuit 23. Furthermore, Shakeri only describes monitoring whether the near-end caller, that is, the person actually holding the phone, is speaking at column 16, line 19, contrary to the assertion in the Office action. Since neither Murphy nor Shiraki teach, disclose, or suggest a second voice signal is a signal that is transmitted at a predetermined time interval when a first voice signal is absent, their combination cannot either.

Claim 2 recites further,

"said portable telephone further includes a sending circuit connected to said receiving circuit and said output circuit sending said second voice signal that has been received at said time interval to said output circuit for said time interval."

Neither Murphy nor Shiraki teach, disclose, or suggest a portable telephone further including a sending circuit connected to a receiving circuit and a output circuit sending a second voice signal that has been received at a time interval to a output circuit for a time interval. Since neither Murphy nor Shiraki teach, disclose, or suggest a portable telephone further including a sending circuit connected to a receiving circuit and a output circuit sending a second voice signal that has been received at a time interval to a output circuit for a time interval, their combination cannot either.

Claim 3 recites,

"said output circuit includes a circuit stopping an output of said second voice signal in a case in which said first voice signal is not sensed by said voice signal sensing circuit and in which the remaining amount of said battery sensed by said remaining amount sensing circuit is less than or equal to a predetermined value."

Neither Murphy nor Shiraki teach, disclose, or suggest an output circuit including a circuit stopping an output of a second voice signal in a case in which a first voice signal is not sensed by a voice signal sensing circuit and in which the remaining amount of a battery sensed by a remaining amount sensing circuit is less than or equal to a predetermined value. The voice signal to which Murphy refers at column 4, lines 38-40 is not a second voice signal, contrary to the assertion in the Office action. It is, rather, the digitized voice signal itself, as described at column 4, line 42. Similarly, Murphy is discussing forwarding telephone calls at column 2, lines

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41-46 and column 4, lines 50-55, rather than not outputting a second voice signal, contrary to the assertion in the Office action. Furthermore, Shakeri only describes monitoring whether the near-end caller, that is, the person actually holding the phone, is speaking at column 9, line 17-22, contrary to the assertion in the Office action. Since neither Murphy nor Shiraki teach, disclose, or suggest a second voice signal is a signal that is transmitted at a predetermined time interval when a first voice signal is absent, their combination cannot either.

Claim 3 recites further,

"starting the output of said second voice signal in at least one of a case in which said first voice signal has been sensed and a case in which the remaining amount of said battery is more than or equal to the predetermined value."

Neither Murphy nor Shiraki teach, disclose, or suggest starting the output of a second voice signal in at least one of a case in which a first voice signal has been sensed and a case in which the remaining amount of a battery is more than or equal to the predetermined value. Since neither Murphy nor Shiraki teach, disclose, or suggest a portable telephone starting the output of a second voice signal in at least one of a case in which a first voice signal has been sensed and a case in which the remaining amount of a battery is more than or equal to the predetermined value, their combination cannot either. Claims 2 through 7 are thus also submitted to be allowable. Withdrawal of the rejection of claims 2 through 7 is earnestly solicited.

Claim 8 recites,

"a second voice signal other than the first voice signal."

Neither Murphy nor Shiraki teach, disclose, or suggest receiving a second voice signal other than the first voice signal, as discussed above with respect to claim 1. Since neither Murphy nor Shiraki teach, disclose, or suggest a second voice signal other than the first voice signal, their combination cannot either.

Claim 8 recites further,

"a determination signal for determining whether said first voice signal is present or not."

Neither Murphy nor Shiraki teach, disclose, or suggest receiving a *determination* signal for determining whether a first voice signal is present or not, as discussed above with respect to claim 1. Since neither Murphy nor Shiraki teach, disclose, or suggest receiving a determination

signal for determining whether a first voice signal is present or not, their combination cannot either.

Claim 8 recites further,

“a voice signal sensing means connected to said receiving means sensing whether said first voice signal is present or not on the basis of said determination signal.”

Neither Murphy nor Shiraki teach, disclose, or suggest a voice signal sensing means connected to a receiving means sensing whether a first voice signal is present or not on the basis of a determination signal, as discussed above with respect to claim 1. Since neither Murphy nor Shiraki teach, disclose, or suggest a voice signal sensing means connected to a receiving means sensing whether a first voice signal is present or not on the basis of a determination signal, their combination cannot either.

Claim 8 recites further,

“converting said voice signals into sound for output on the basis of a result of sensing by said voice signal sensing means and a result of sensing by said remaining amount sensing means.”

Neither Murphy nor Shiraki teach, disclose, or suggest converting voice signals into sound for output on the basis of a result of sensing by a voice signal sensing means and a result of sensing by a remaining amount sensing means, as discussed above with respect to claim 1. Since neither Murphy nor Shiraki teach, disclose, or suggest converting voice signals into sound for output on the basis of a result of sensing by a voice signal sensing means and a result of sensing by a remaining amount sensing means, their combination cannot either. Claim 8 is submitted to be allowable. Withdrawal of the rejection of claim 8 is earnestly solicited.

Claims 9 through 14 depend from claim 8 and add additional distinguishing elements. In particular, claim 9 recites,

“said second voice signal is a signal that is transmitted at a predetermined time interval when said first voice signal is absent.”

Neither Murphy nor Shiraki teach, disclose, or suggest a second voice signal is a signal that is transmitted at a predetermined time interval when a first voice signal is absent, as discussed above with respect to claim 2. Since neither Murphy nor Shiraki teach, disclose, or suggest a second voice signal is a signal that is transmitted at a predetermined time interval

when a first voice signal is absent, their combination cannot either.

Claim 9 recites further,

“said portable telephone further includes a sending means connected to said receiving means and said output means sending said second voice signal that has been received at said time interval to said output means for said time interval.”

Neither Murphy nor Shiraki teach, disclose, or suggest a portable telephone further including a sending means connected to a receiving means and a output means sending a second voice signal that has been received at a time interval to a output means for a time interval, as discussed above with respect to claim 2. Since neither Murphy nor Shiraki teach, disclose, or suggest a portable telephone further including a sending means connected to a receiving means and a output means sending a second voice signal that has been received at a time interval to a output means for a time interval, their combination cannot either.

Claim 10 recites,

“said output means includes a means stopping an output of said second voice signal in a case in which said first voice signal is not sensed by said voice signal sensing means and in which the remaining amount of said battery sensed by said remaining amount sensing means is less than or equal to a predetermined value.”

Neither Murphy nor Shiraki teach, disclose, or suggest an output means including a means stopping an output of a second voice signal in a case in which a first voice signal is not sensed by a voice signal sensing means and in which the remaining amount of a battery sensed by a remaining amount sensing means is less than or equal to a predetermined value, as discussed above with respect to claim 3. Since neither Murphy nor Shiraki teach, disclose, or suggest an output means including a means stopping an output of a second voice signal in a case in which a first voice signal is not sensed by a voice signal sensing means and in which the remaining amount of a battery sensed by a remaining amount sensing means is less than or equal to a predetermined value, their combination cannot either.

Claim 10 recites further,

“starting the output of said second voice signal in at least one of a case in which said first voice signal has been sensed and a case in which the remaining amount of said battery is more than or equal to the predetermined value.”

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Neither Murphy nor Shiraki teach, disclose, or suggest starting the output of a second voice signal in at least one of a case in which a first voice signal has been sensed and a case in which the remaining amount of a battery is more than or equal to the predetermined value, as discussed above with respect to claim 3. Since neither Murphy nor Shiraki teach, disclose, or suggest a portable telephone starting the output of a second voice signal in at least one of a case in which a first voice signal has been sensed and a case in which the remaining amount of a battery is more than or equal to the predetermined value, their combination cannot either. Claims 9 through 14 are thus also submitted to be allowable. Withdrawal of the rejection of claims 9 through 14 is earnestly solicited.

Claim 15 recites,

"a second voice signal other than the first voice signal."

Neither Murphy nor Shiraki teach, disclose, or suggest receiving a second voice signal other than the first voice signal, as discussed above with respect to claim 1. Since neither Murphy nor Shiraki teach, disclose, or suggest a second voice signal other than the first voice signal, their combination cannot either.

Claim 15 recites further,

"a determination signal for determining whether said first voice signal is present or not."

Neither Murphy nor Shiraki teach, disclose, or suggest receiving a *determination* signal for determining whether a first voice signal is present or not, as discussed above with respect to claim 1. Since neither Murphy nor Shiraki teach, disclose, or suggest receiving a determination signal for determining whether a first voice signal is present or not, their combination cannot either.

Claim 15 recites further,

"sensing whether said first voice signal is present or not."

Neither Murphy nor Shiraki teach, disclose, or suggest sensing whether said first voice signal is present or not, as discussed above with respect to claim 1. Since neither Murphy nor Shiraki teach, disclose, or suggest sensing whether said first voice signal is present or not, their combination cannot either.

Claim 15 recites further,

"converting said voice signals into sound for output on the basis of a result of sensing in

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said step of sensing said voice signal and a result of sensing in said step of sensing said remaining amount.”

Neither Murphy nor Shiraki teach, disclose, or suggest converting said voice signals into sound for output on the basis of a result of sensing in said step of sensing said voice signal and a result of sensing in said step of sensing said remaining amount, as discussed above with respect to claim 1. Since neither Murphy nor Shiraki teach, disclose, or suggest converting said voice signals into sound for output on the basis of a result of sensing in said step of sensing said voice signal and a result of sensing in said step of sensing said remaining amount, their combination cannot either. Claim 15 is submitted to be allowable. Withdrawal of the rejection of claim 15 is earnestly solicited.

Claims 16 through 20 depend from claim 15 and add additional distinguishing elements. In particular, claim 16 recites,

“said second voice signal is a signal that is transmitted at a predetermined time interval when said first voice signal is absent.”

Neither Murphy nor Shiraki teach, disclose, or suggest a second voice signal is a signal that is transmitted at a predetermined time interval when a first voice signal is absent, as discussed above with respect to claim 2. Since neither Murphy nor Shiraki teach, disclose, or suggest a second voice signal is a signal that is transmitted at a predetermined time interval when a first voice signal is absent, their combination cannot either.

Claim 16 recites further,

“said method of controlling voice output further includes a step of generating a second voice signal at said time interval on the basis of second voice signal that has been received at said time interval.”

Neither Murphy nor Shiraki teach, disclose, or suggest a said method of controlling voice output further includes a step of generating a second voice signal at said time interval on the basis of second voice signal that has been received at said time interval, as discussed above with respect to claim 2. Since neither Murphy nor Shiraki teach, disclose, or suggest a said method of controlling voice output further includes a step of generating a second voice signal at said time interval on the basis of second voice signal that has been received at said time interval, their combination cannot either.

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Claim 17 recites,

"stopping an output of said second voice signal in a case in which said first voice signal is not sensed by said step of sensing said voice signal and in which the remaining amount of said battery sensed by said step of sensing said remaining amount is less than or equal to a predetermined value."

Neither Murphy nor Shiraki teach, disclose, or suggest stopping an output of said second voice signal in a case in which said first voice signal is not sensed by said step of sensing said voice signal and in which the remaining amount of said battery sensed by said step of sensing said remaining amount is less than or equal to a predetermined value, as discussed above with respect to claim 3. Since neither Murphy nor Shiraki teach, disclose, or suggest stopping an output of said second voice signal in a case in which said first voice signal is not sensed by said step of sensing said voice signal and in which the remaining amount of said battery sensed by said step of sensing said remaining amount is less than or equal to a predetermined value, their combination cannot either.

Claim 17 recites further,

"starting the output of said second voice signal in at least one of a case in which said first voice signal has been sensed and a case in which the remaining amount of said battery is more than or equal to the predetermined value."

Neither Murphy nor Shiraki teach, disclose, or suggest starting the output of said second voice signal in at least one of a case in which said first voice signal has been sensed and a case in which the remaining amount of said battery is more than or equal to the predetermined value, as discussed above with respect to claim 3. Since neither Murphy nor Shiraki teach, disclose, or suggest starting the output of said second voice signal in at least one of a case in which said first voice signal has been sensed and a case in which the remaining amount of said battery is more than or equal to the predetermined value, their combination cannot either. Claims 16 through 20 are thus also submitted to be allowable. Withdrawal of the rejection of claims 16 through 20 is earnestly solicited.

Conclusion:

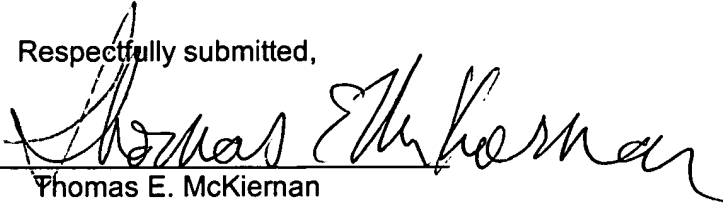
Accordingly, in view of the reasons given above, it is submitted that all claims 1 through 20 are allowable over the cited references. Allowance of all claims 1 through 20 and of this

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entire application are therefore respectfully requested.

Respectfully submitted,

By

A handwritten signature in black ink, appearing to read "Thomas E. McKiernan", is written over a horizontal line.

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